

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
KEITH LINDSEY HARVILLE and
GUADALUPE PINEDA HARVILLE,
Debtors.

CASE NO. 15-05315-MH3-7
CHAPTER 7
JUDGE MARIAN HARRISON

**TRUSTEE’S OBJECTION TO MOTION FOR RELIEF
AND MOTION TO RESET PRELIMINARY HEARING**

Comes now Michael Gigandet, the duly appointed Chapter 7 trustee, and files this his objection to the motion for relief filed by Federal National Mortgage Association (hereinafter referred to as “Federal”) and his motion to reset the preliminary hearing.

As grounds for his objection and motion, the trustee states that Federal has requested relief from the Court regarding an alleged mortgage lien on the debtor’s real estate in Arkansas which the debtors have valued in their petition at \$330,000.00.

Federal has represented to this Court that it has a lien in two pieces of adjoining real estate.

However, the property address in the deed of trust is typed in two different type faces, one for each piece of property. The deed of trust does not have a legal description covering either property.

The trustee has contacted counsel for Federal for clarification and a copy of the legal description which may have been left off of Federal’s original filing. Instead of providing that legal description, Federal’s counsel has sent the trustee the above-referenced “property address” which was produced by placing some kind of paper over the deed of trust provisions above and below the “property address”.

The trustee questions the representations being made to the Court regarding the extent or even existence of Federal's properly perfected security interest and requests a rescheduling of the preliminary hearing to clarify Federal's request for relief.

Respectfully submitted,

LAW OFFICE OF MICHAEL GIGANDET

/s/ Michael Gigandet

Michael Gigandet, Trustee #11498
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded by U. S. Mail, 1st class postage prepaid to the U. S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203, to the debtors, to the debtors' attorney and to counsel for the movant:

Carolee Berasi, Esq.
RCO Legal, P.S.
1587 Northeast Expressway
Atlanta, GA 30329
cberasi@rcolegal.com
VIA HARD COPY AND E-MAIL

on this the 30th day of September, 2015.

/s/ Michael Gigandet

Michael Gigandet, Trustee